

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER	)	
DATA SECURITY BREACH LITIGATION	)	MDL No. 1:19md2915 (AJT/JFA)
_____	)	

This Document Relates to CONSUMER Cases

---

**CAPITAL ONE DEFENDANTS' MOTION TO DISMISS  
THE REPRESENTATIVE CONSUMER CLASS ACTION COMPLAINT**

Defendants Capital One Financial Corporation, Capital One Bank (USA), National Association, and Capital One, National Association (collectively, "Capital One") respectfully move to dismiss the Representative Consumer Class Action Complaint [Dkt. No. 354] pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for the motion are set forth in the supporting memorandum of law.

Respectfully submitted this 10<sup>th</sup> day of April, 2020.

/s/ \_\_\_\_\_  
David L. Balser (*pro hac vice*)  
S. Stewart Haskins II (*pro hac vice*)  
John C. Toro (*pro hac vice*)  
Kevin J. O'Brien (VSB No. 78886)  
Robert D. Griest (*pro hac vice*)  
**KING & SPALDING LLP**  
1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
Tel.: (404) 572-4600  
Fax: (404) 572-5140  
dbalser@kslaw.com  
shaskins@kslaw.com  
jtoro@kslaw.com  
kobrien@kslaw.com  
rgriest@kslaw.com

Robert A. Angle (VSB No. 37691)  
Tim St. George (VSB No. 77349)

Jon S. Hubbard (VSB No. 71089)  
Harrison Scott Kelly (VSB No. 80546)  
**TROUTMAN SANDERS LLP**  
1001 Haxall Point  
Richmond, VA 23219  
Telephone: (804) 697-1200  
Facsimile: (804) 697-1339  
robert.angle@troutman.com  
timothy.st.george@troutman.com  
jon.hubbard@troutman.com  
scott.kelly@troutman.com

Mary C. Zinsner (VSB No. 31397)  
**TROUTMAN SANDERS LLP**  
401 9th Street, NW, Suite 1000  
Washington, DC 20004  
Telephone: (703) 734-4334  
Facsimile: (703) 734-4340  
mary.zinsner@troutman.com

*Counsel for Capital One*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2020, I caused the foregoing document to be filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/  
David L. Balser